

NISHIOKA et al. — 09/957,471
Attorney Docket: 009523-0283651

REMARKS

Claims 1-18 and 20-38 are pending. Claims 1-4, 7-20 and 27-37 are withdrawn as being drawn to non-elected species, the requirement having been traversed. By this Amendment, claims 5, 6, 21-26 and 38 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants respectfully reiterate their arguments regarding the allowability of claims 15 and 19 presented in the previous response. Prompt notice of their allowability is respectfully requested.

Applicants also respectfully reiterate their arguments regarding the election of species requirement. Reconsideration and withdrawal of the requirement, and rejoinder of claims 1-4, 7-20 and 27-37 are respectfully requested.

Claims 5 and 6 were rejected under Hochstrate (U.S. Patent 4,238,793). The rejection is respectfully traversed.

Claim 5 recites a variable-focus optical element comprising a power source and a driving circuit for driving said variable-optical-characteristic optical element. The power source or driving circuit includes a booster member that generates a voltage necessary in said driving circuit. The variable-focus optical element is capable of achieving optical deflection.

The electroluminescent (EL) panel 10 including the plurality of multiplexed segmented electrodes 3A-3F of Hochstrate is not a variable-focus optical element. Therefore, Hochstrate cannot anticipate or render obvious claim 5.

Claim 6 recites additional features of the invention and is allowable for the same reasons discussed above with respect to claim 5 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 5 and 6 over Hochstrate et al. are respectfully requested.

Claims 21-26, 38 and 39 were rejected under 35 U.S.C. § 102(b) over Schachar (U.S. Patent 5,774,274). The rejection is respectfully traversed.

Claim 21 recites a variable-focus optical element having a deformable optical surface, which further comprises a control system for driving the variable-optical-characteristic optical element. The control system includes a booster member for applying a voltage necessary for driving the variable-optical-characteristic optical element.

The Examiner alleges that the embodiment of Figure 9 of Schachar, including the solenoid 406, corresponds to the booster member of claim 21. The solenoids 406 are fastened to a deformable lens 402 by clamps 408. When the solenoids 406 are actuated, the

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equatorial diameter of the lens 402 is increased. It is respectfully submitted that the solenoids 406 of Schachar are devices that include an iron core driven by an electromagnetic force, i.e. they are conventional solenoids in which a plunger is actuated (i.e. moved) by an electromagnetic force. The solenoids 406 of Schachar deform the lens 402 by movement of their plungers, which are clamped to the lens 402. The solenoids 406 of Schachar do not apply a voltage for driving the deformable lens 402 and do not correspond to the booster member of claim 21.


Claims 22-26 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 21 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 21-26, 38 and 39 over Schachar are respectfully requested.

In view of the above amendments and remarks, Applicants submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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